

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

1:20-cv-61

John A. Hoglen,
Plaintiff,

v.

Andrew M. Saul,
Acting Commissioner of Social Security,
Defendant


ORDER

THIS MATTER is before the Court on Plaintiff's Consent Motion for Entry of Order Accepting the Parties' Settlement Agreement on Attorney's Fees. (Doc. No. 16). The parties agree that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$3,508.00.

IT IS ORDERED that the motion is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$3,508.00, and that pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

IT IS SO ORDERED.

Signed: June 1, 2021



Max O. Cogburn Jr.
United States District Judge